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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,600	12/10/2001	John Bolland Reast	02004.053	4226

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Fildes & Outland
20916 Mack Avenue Suite 2
Grosse Pointe Woods, MI 48236

EXAMINER

SPISICH, GEORGE D

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/009,600

Applicant(s)

REAST, JOHN BOLLAND

Examiner

George D. Spisich

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings filed on February 23, 2004 have been accepted.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Booher (USPN 4,718,693) in view of Wilson (USPN 5,938,221).

Booher discloses a suspension anti-roll stabilization system comprising an axle (22) mounted on leaf spring suspension arms (12) of an associated vehicle on respective opposed sides of the longitudinal axis of the vehicle with the axle being located at least partially with respect to the frame or chassis of the vehicle by the leaf spring suspension arms which are located on respective opposed sides of the longitudinal vehicle axis and of which each has one end mounted pivotally to the vehicle

Art Unit: 3616


frame or chassis and an anti-roll means (32) is connected rigidly between the pair of longitudinal leaf spring suspension arms. The anti-roll means (32) is connected at or adjacent the points at which the one end of each arm is pivotally attached to the frame of chassis of the associated vehicle. The anti-roll means comprises an anti-roll bar or tube. This anti-roll means extends transversely of the longitudinal axis of the associated vehicle is arranged to add bending stiffness to the longitudinal suspension arms close to the pivot points during vehicle roll.

This arrangement provides for the arms to act as beams pivotally mounted at their one ends to beams which are fixed at those one ends during roll motion of the vehicle. As the roll motion is incurred, the pivoting of the leaf suspension arm ceases and therefor is considered fixed. This arrangement also "allows for" the associated pivot points to rotate in opposite directions during vehicle roll whilst rotating in the same direction during normal ride. There is no feature that would disallow for the opposite movement of the pivot points so therefore, the arrangement "allows" the opposite rotational movement.

However, Booher does not disclose at least a pair of air bags mounted upon the axle via the leaf springs.

Wilson discloses a leaf spring suspension further comprising air bags mounted on the axle via the leaf spring suspension arms to aid and improve the damping characteristics of the suspension arrangement.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the leaf spring suspension of Booher by providing at least



Art Unit: 3616

a pair of air bags mounted to the axle via leaf springs as taught by Wilson for improving the damping characteristics and performance of the suspension.

Response to Arguments

With respect to Applicant's argument that the anti-roll means of Booher is not rigidly connected between the leaf springs, Examiner disagrees and maintains the rejection. As claimed, the anti-roll means merely be rigidly connected "between the leaf springs", and clearly, the anti-roll means is at least rigidly connected to the shackle or the anti-roll means would not work. As claimed, there is no language that the anti-roll means be rigidly connected directly to the leaf spring.

Allowable Subject Matter

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior art does not show anti-roll means able to be located at various points along the length of the leaf spring in the anti-roll vehicle suspension.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McJunkin, Jr. (USPN 3,711,079) and Myers (USPN 3,690,693).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (703) 305-6495. The examiner can normally be reached on Monday to Friday 9:30-7:00 except alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gds *[Signature]*
May 23, 2004

Paul N. Dickson 5/27/04
PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600